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FEDERAL COMMUNICATIONS COMMISSION

Wireline Competition Bureau

Telecommunications Access Policy Division

445 12<sup>th</sup> St., S.W.

Washington, D.C. 20554

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Federal Communications Commission  
Office of the Secretary

August 11, 2004

Re: Federal-State Joint Board on Separations  
*Ex parte* communication in CC Docket Nos. 01-92, 96-98,  
99-68; ET Docket No. 04-295; WC Docket No. 04-36.

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Read Ms. Dortch:

In accordance with the Commission's *ex parte* rules, 47 C.F.R. §§ 1.1200 *et seq.*, this letter is to transmit the text of a communication that was made by the state members of the Federal-State Joint Board on Separations to Chairman Michael K. Powell, Commissioner Kevin J. Martin, and Commissioner Michael J. Copps.

On May 27, 2004, the state members of the Federal-State Joint Board on Separations wrote a letter to the Federal members of the Joint Board addressing a number of issues, including scheduling future meetings among the full Joint Board and the possible referral of additional issues to the Joint Board. In this context, the letter included a statement that implicates the intercarrier compensation and Voice Over IP proceedings that are currently pending before the Commission. Specifically, the letter stated:

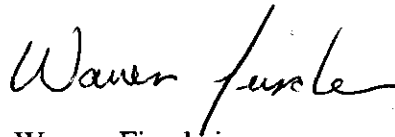
It is critical that we hold both meetings because it appears likely that a number of matters currently pending before the Commission may require referral to the Joint Board in the near future. As you are aware, 47 U.S.C. § 410(c) requires referral of "any proceeding regarding the jurisdictional separation of common carrier property and expenses between interstate and intrastate operations...." Several current topics - including, by way of example, intercarrier compensation and Voice Over the Internet - seem to involve jurisdictional separations and cost allocation issues.<sup>3</sup>

The May 27, 2004 letter did not make any other statements that raise *ex parte* issues.

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Please do not hesitate to contact me with any questions or comments. I may be reached at (202) 418-0844.

A handwritten signature in cursive script, reading "Warren Firschein".

Warren Firschein  
Attorney  
Telecommunications Access Policy Division  
Wireline Competition Bureau